IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 526 OF 2005

Yadavrao Khashaba Nikam... .... Petitioner.

Versus

Hindustan Petroleum Corporation Ltd. & Ors. ... ... Respondents.

Mr. Pratap V. Patil for the Petitioner.

Mr. Rajiv Chavan i/by Mr. S. S. Sarkar for Respondent Nos.3 & 4.

Mr. K. S. Patil for Respondent No.8.

CORAM: DALVEER BHANDARI, C.J. &
S. A. BOBDE, J.

DATED : APRIL 8, 2005.

P.C. :

The petitioner has filed this petition in which it is prayed that direction be issued to respondents to set aside the allotment of Retail Outlet Dealership for setting up petrol / diesel pump at area admeasuring 1100 sq. mtrs. Out of O H 39 R of Revisional

Survey No. 1857 (Old Survey No. 673/3) of Village Malgaon, Tal. Miraj, Dist. Sangli because according to the petitioner the respondent No.8 in whose favour allotment has been made did not have suitable land and could not have been considered for the dealership.

2. In pursuance of the show cause notice issued by this Court, reply affidavit has been filed by respondent No.8. In the affidavit details of land which has been purchased by him by a Sale Deed dated 14th August, 2004 have been mentioned. He has also annexed a copy of the Sale Deed by which the said land has been purchased. Guideline 2(b) of the guidelines for selection of retail outlet dealers issued by respondent No.1, reads thus :-

> 2. MODE OF SELECTION:
>
> (a) .....
>
> (b) Government Organisations / Government Undertakings / Semi-Government / Autonomous Bodies / Public Limited Company / Charitable Trust / Large Fleet

> Operators (minimum fleet of 50 vehicles) having suitable land can be considered for award of dealership, through Direct offer, without route of advertisement, subject to the location being feasible / commercially viable."

Respondent No.8 did have suitable land for the retail outlet dealership for petrol / diesel.

3. We do not find any infirmity in the impugned order. This petition being devoid of any merit is hereby dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.